

Please see Appendix 1 for the changes made to the claims. Terms underlined are to be added. Terms bracketed are to be deleted.

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated August 6, 2002, and reconsideration of that Action is requested in view of the following comments.

It is noted that the restriction requirement has been made final. Accordingly, claims 1-9 and 13 have been withdrawn from further consideration in the present application. Applicant will consider whether or not a divisional application should be filed with respect to the subject matter of claims 1-9 and 13.

Claims 10 and 11 have been amended to address the informalities noted by the Examiner in the Office Action. Specifically, claim 10 now states that the inhibitor/attenuator of the preselected smoke constituent is applied at the location along the tobacco rod where that preselected smoke constituent is maximized. Also, claim 11 now states that the preselected smoke constituent is formaldehyde. Accordingly, all of the terminology in these claims has a proper antecedent basis. Applicant submits that the claims as amended are believed to be in proper form and in full compliance with 35 USC §112.

Applicant respectfully submits that the claims herein define a process for producing a cigarette which is neither shown nor suggested by the prior art taken alone or in combination with one another. Specifically, the process of claims 10, 11 and 14-16 is not anticipated by Sanford et al US 3,667,479 ("Sanford"), and claim 12 is not rendered

obvious by the combination of Sanford and Fournier et al US 6,289,898 ("Fournier"), for the following reasons.

As described in the specification and defined in the claims, the process of the present invention includes the steps of determining at which location along a tobacco rod a preselected smoke constituent is maximized. Once that location is determined an inhibitor/attenuator substance of the preselected smoke constituent is applied to the tobacco rod at that particular location. The step of application of the inhibitor/attenuator is limited to the rod location where the particular preselected smoke constituent is maximized.

Fundamentally, the Sanford reference relates to a cigarette with a modified paper wrapper. By way of background, Sanford explains that throughout the smoking process from the tip end to the butt end there is a gradual increase of certain smoke constituents such as particulate matter, tar, nicotine and others. A reduction in the delivery of these constituents over the entire length of the cigarette would provide a more pleasing taste when smoking the later portion of the cigarette. Hence, the overall objective of Sanford is an improved cigarette where the constituent delivery is gradually reduced during the smoking process which results in uniform constituent delivery on a puff-by-puff basis.

The primary objective of Sanford is achieved through modification of the paper wrapper surrounding the tobacco rod. Preselected areas of the wrapper are modified by treating the wrapper with combustion supporting oxidizing agents. As a result, those treated portions of the paper wrapper are burned away in advance of the burning coal to provide openings in the wrapper. As the cigarette is smoked, air is drawn into and through

these openings to dilute the smoke delivered to the butt end of the cigarette. This dilution results in a decrease in the constituent delivery which improves the taste of the smoke in these later puffs. Sanford identifies a number of specific combustion supporting oxidizing agents which are applied to the paper wrapper.

Unlike the present invention, Sanford simply burns holes in the paper wrapper which allows more air to be combined with the tobacco smoke and thereby dilute the smoke and decrease smoke constituent delivery. This procedure is totally different and far field from the present invention defined in the pending claims. Unlike Sanford an inhibitor/attenuator of a preselected smoke constituent is applied at a determined rod location. No such inhibitor/attenuator or any reasonable equivalent thereof is applied or even suggested in Sanford. Instead Sanford simply accelerates the burning of the paper wrapper in order to introduce more air and thereby dilute the smoke for a reduction of excessive constituent delivery.

Fournier does not address the deficiencies of the primary Sanford reference. Instead Fournier is simply applied for its disclosure of ammonium bicarbonate. Accordingly, claim 12 is not rendered obvious by the combination of Sanford and Fournier for the same reasons noted above in distinguishing the primary Sanford reference.

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In summary, applicant respectfully submits that the claims herein distinguish over the prior art and are indeed directed to patentable subject matter. Notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure: Appendix I

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APPENDIX I
MARKED-UP COPY CLAIMS

10. A process of producing a cigarette comprising the steps of wrapping a tobacco rod with paper, determining at which location along the tobacco rod where a preselected smoke constituent is maximized, and applying an inhibitor/attenuator of the [target] preselected smoke constituent at the determined rod location, said applying step limited to said determined rod location.

11. A process as claimed in claim 10 wherein the [target] preselected smoke constituent is formaldehyde.